



In the City Council, April 6th, in the Year Two Thousand and Seventeen

Upon the recommendation of Councilor Alisa F. Klein, Councilor Maureen T. Carney, and Councilor Gina-Louise Sciarra

R-17.287

A Resolution

in Support of Bill S.1305 - An Act to Protect the Civil Rights and Safety of All Massachusetts Residents (the "Safe Communities Act")

WHEREAS, Northampton Mayor David J. Narkewicz issued this City's Executive Order on August 28, 2014, directing the Northampton Police Department to "not honor or enforce any detainer request from U.S. Immigration and Customs Enforcement that is non-criminal and not subject to a judicially issued warrant" and despite threats from the current U.S. Presidential administration that federal grant funds to "sanctuary cities" will be withdrawn, has pledged his continued commitment to ensuring that the order be enforced; and

WHEREAS, the Northampton City Council in its November 20, 2014 resolution supporting the Mayor's Executive Order committed to ensuring that the protections enforced in the order are applied consistently and fairly; and

WHEREAS, in addition to Northampton, cities and towns in Massachusetts, including Amherst, Somerville, Cambridge, Boston, Holyoke, Lawrence, Chelsea, Orleans, and Springfield have all passed Trust Acts, resolutions, or other policies designed to limit local law enforcement cooperation with Immigration and Customs Enforcement (ICE) and are referred to as "sanctuary cities"; and

WHEREAS, legal experts, including Massachusetts Attorney General Maura Healey, have stated that the proposal made by President Trump to strip sanctuary states and cities of federal grant money is an unconstitutional attempt to coerce local policy by manipulating federal funds;¹

¹ <https://www.bostonglobe.com/news/nation/2017/01/26/trump-has-threatened-strip-sanctuary-cities->

WHEREAS, immigration enforcement in the United States was explicitly established as the responsibility of the federal government in *Fong Yue Ting v. U.S.* in 1893,² yet over the last two decades, local jurisdictions and states have been compelled to increase their immigration enforcement role beginning primarily with the 287(g) provision of the Illegal Immigration Reform & Immigrant Responsibility Act (IIRIRA) of 1996 and increasing dramatically throughout the 21st century;³ and

WHEREAS, the increasing cooperation between local law enforcement agencies and the Department of Homeland Security (DHS) causes us to have significant constitutional and human rights concerns because of immigration enforcement practices such as racialized policing, lengthy periods of detention, excessive transfer of immigrant detainees, and violations of immigrants' rights to due process;^{4,5,6} and

WHEREAS, studies have shown that immigrants are less likely to report crimes when state and local law enforcement agencies cooperate with federal immigration enforcement, thus diminishing trust between communities and law enforcement and putting immigrant victims and potential victims at heightened risk;⁷ and

WHEREAS, the current bill in the 190th General Court of the Commonwealth of Massachusetts, S.1305 - An Act to Protect the Civil Rights and Safety of All Massachusetts Residents, also known as the "Safe Communities Act," aims to protect all residents of Massachusetts and build trust within communities by limiting cooperation between local law enforcement agencies and ICE; and

WHEREAS, the Safe Communities Act will ensure due process rights for people detained for civil immigration violations, prohibit law enforcement from inquiring about a person's immigration status unless required by law, prevent law enforcement agencies from arresting or detaining a person solely based on immigration status, prohibit information sharing from state and local law enforcement and the Registry of Motor Vehicles to DHS for the purposes of enforcement of any federal

[federal-funds-that-even-legally-possible/2PveghR1bFKDBaC1OR9CCN/story.html](http://www.mass.gov/legis/committees/immigration-reform/federal-funds-that-even-legally-possible/2PveghR1bFKDBaC1OR9CCN/story.html)

² <https://supreme.justia.com/cases/federal/us/149/698/case.html>

³ <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1274&context=aulr>

⁴ https://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf

⁵ <http://www.pbs.org/wnet/need-to-know/security/video-immigration-crackdown-creates-insecure-communities/2964/>

⁶ <https://www.hrw.org/report/2011/06/14/costly-move/far-and-frequent-transfers-impede-hearings-immigrant-detainees-united>

⁷ http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF

program requiring registration of persons on the basis of race, gender, sexual orientation, religion, or national or ethnic origin, and prohibit local law enforcement including county sheriffs from ordering their employees to act as immigration agents.

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts remains committed to ensuring equal, just, and fair treatment of all persons who live in and visit this city, and to maintaining our status as a "sanctuary city."

BE IT FURTHER RESOLVED that we support the Massachusetts Safe Communities Act and urge its passage by the Massachusetts Senate and House of Representatives. We ask that Governor Charles Baker, who has expressed support for "sanctuary cities," to support this state-wide bill and to sign it in a timely manner to ensure the protection of all residents of the Commonwealth of Massachusetts.

BE IT FURTHER RESOLVED that we commend and support State Representative Peter V. Kocot for being one of the petitioners of S.1305.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to U.S. Senator Elizabeth Warren; U.S. Senator Ed Markey; MA Governor Charles Baker; MA Attorney General Maura Healey; MA Senate President Stanley Rosenberg; Speaker Robert A. DeLeo; MA State Representative Peter V. Kocot; the original co-sponsors of S.1305, MA Senator James B. Eldridge and MA Representative Juana Matías; and the Co-Chairs of the MA legislature's Joint Committee on Public Safety and Homeland Security, MA Senator James E. Timilty and MA Representative Harold P. Naughton.

In City Council, April 20, 2017

Passed First Reading, on a Roll Call Vote of 9 Yes, 0 No
Attest: Pamela S. Powers Clerk of Council

In City Council, May 4, 2017

Passed Second Reading, on a Roll Call Vote of 9 Yes, 0 No
Attest: Pamela S. Powers Clerk of Council

Rules suspended, passed two readings and enrolled
I hereby certify that the above Resolution passed the Northampton City Council on May 4, 2017

Attest: Pamela S. Powers Clerk of Council